

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MERCK & CO., INC., :  
 :  
 Plaintiff, :  
 :  
 v. : Civil Action No. 04-939-JJF  
 :  
 TEVA PHARMACEUTICALS :  
 U.S.A., INC., :  
 :  
 Defendant. :

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THE PROCTOR & GAMBLE COMPANY, :  
 :  
 Plaintiff, :  
 :  
 v. : Civil Action No. 04-940-JJF  
 :  
 TEVA PHARMACEUTICALS :  
 U.S.A., INC., :  
 :  
 Defendant. :

O R D E R

WHEREAS, per Order dated May 5, 2005, the Court  
declined to consolidate cases 04-cv-940 and 04-cv-939;

NOW THEREFORE, IT IS HEREBY ORDERED that counsel shall  
confer and submit to the Court a Proposed Rule 16 Scheduling  
Order for each case captioned above by no later than **Monday, May  
23, 2005**. Attached is a sample form of Order which should serve  
as a basis for discussion. Where disagreements exist, please  
note each party's position.

May 10, 2005  
DATE

  
UNITED STATES DISTRICT JUDGE